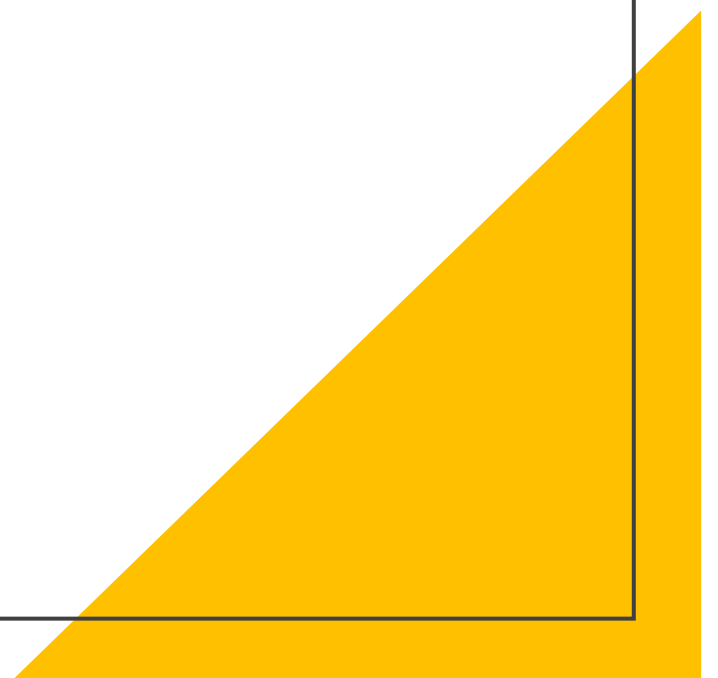


Commission on Public School Employee Health Benefits

Senate Committee on Education

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Overview

- Creation of the Commission on Public School Employee Health Benefits
- Overview of Title 16, Chapter 61
- General background on Vermont's labor laws and resolving contract negotiation impasses



Evolution of healthcare bargaining for public school employees

Prior to 1993 - direct bargaining at the local school district level

1990s - Vermont Education Health Initiative (VEHI) created jointly by VT-NEA & the Vermont School Boards Insurance Trust (VSBIT). VEHI negotiated with Blue Cross/Blue Shield to offer uniform health insurance plans for all public school employees. Each school district continued to negotiate with the unions over VEHI plan offerings and the allocation of costs.

2017 – Act 85 – penalized school districts whose employees did not pay at least 20% of the premiums and those districts that did not limit the amount of the district's assistance towards the employees out of pocket costs



Creation of the Commission

Act 11, 2018

- Created new subchapter 61 to Title 16
 - Amended the Labor Relations for Teachers and Administrators Act (LRTA) to remove health care benefits and coverage, health reimbursement arrangements, and health savings accounts as subjects for bargaining at the local level. Standalone vision and dental benefits continue to be negotiated at the local level.
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Commission on Public School Employee Health Benefits

10 members

- 5 representatives of school employees (4 appointed by VT-NEA and 1 by AFSCME)
 - 5 representatives of school employers appointed by the Vermont School Boards Association
 - Appointees shall have “an understanding of health care and employer-employee relations and . . . demonstrate a willingness to work collaboratively
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Commission on Public School Employee Health Benefits

- **Chairs.** Chaired jointly by one school employee representative and one school employer representative
 - **Removal.** Commissioners can be removed by the appointing authority without cause.
 - **Decisions.** All decisions require the votes of a majority of the school employee commissioners and a majority of the school employer commissioners
 - **Compensation.** Per diem and expenses for up to 20 meetings a year
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Duties of the Commission

- Determine the percentage of premium paid by the employer and the employee
- Determine the amount of an employee's out-of-pocket (OOP) expenses for which the employer and the employee will be responsible
- Determine who will bear the first dollar responsibility for OOP expenses if using an HRA and whether the HRA balance will rollover from year to year
- Negotiate a statewide grievance procedure for disputes concerning employee health benefits

Negotiations

- Contracts shall be not be less than two years in duration
- Negotiations begin by April 1 the year before the current contract expires
- Information requests are made by October 1 before negotiations begin and responses must be provided before February 1
- Commissioners shall meet at reasonable times and negotiate in good faith

Dispute Resolution - Factfinding

- If the parties are unable to reach agreement by August 1, any matters remaining in dispute shall go to factfinding. If parties are unable to agree on a factfinder, the American Arbitration Association appoints the factfinder.
- Factfinder shall attempt to mediate outstanding matters
- Factfinder's written report due by September 15
- Factfinder's report is non-binding.
- If the parties are unable to reach agreement within 30 days after receipt of the FF report => arbitration

Dispute Resolution - Arbitration

- If the parties are unable to mutually agree on an arbitrator, the Commission must either request the Vermont Labor Relations Board to decide all matters remaining in dispute or form a three-member panel of arbitrators:
 - One arbitrator selected by the school employee commissioners
 - One arbitrator selected by the school employer commissioners
 - One arbitrator appointed by the American Arbitration Association
- Parties submit their last best offer on all outstanding issues prior to the hearing
- Arbitration hearing to be held on or before November 15

Dispute Resolution – Last best offer

- Arbitrator selects one of the last best offers in its entirety without amendment, weighing the following factors:
 - Interests and welfare of the public;
 - Financial ability of the Education Fund and school districts to pay the costs of health care benefits & coverage;
 - Comparisons of health benefits for employees with similarly situated public and private sector employees;
 - Cost of living; and
 - Prior and existing health care benefits and coverage for school employees
- Final and binding written decision issued within 30 days of hearing

Prohibition on strikes or contract imposition in Ch. 61

As compared to the LRTA, under which employees can strike and school boards can unilaterally impose a contract if the parties hit impasse in bargaining, following a 30 day cool down period after issuance of the factfinder's nonbinding report

Vermont's Collective Bargaining Laws

“Vermont has more labor relations statutes per capita than any other state in the country”
– Tim Noonan, former Executive Director of VLRB, author of *The Evolving Vermont Labor Relations Law*

1. SLRA – State Labor Relations Act (1967)
2. SELRA – State Employees Labor Relations Act (1969)
3. LTRA – Labor Relations for Teachers and Administrators Act (1969)
4. MERA – Municipal Employee Relations Act (1973)
5. JELRA - Judiciary Employees Labor Relations Act (JELRA) (1988)
6. Independent Direct Support Providers Labor Relations Act (2013)
7. Early Care and Education Providers Labor Relations Act (2014)

Dispute Resolution Generally

- MEDIATION – neutral third party works with the parties to find common ground and resolve dispute
- FACT FINDING – neutral party collects evidence, makes findings, and makes non-binding recommendations to resolve dispute
- ARBITRATION – binding decision; depending on the law, the arbitrator must either select one party's last best offer in its entirety or, under the LRTA, the parties can agree to allow the arbitrator to select the last best offer on an issue-by-issue basis

Any questions?



Resources

Commission on Public School Employee Health Benefits -
<https://legislature.vermont.gov/statutes/fullchapter/16/061>

Labor Relations for Teachers and Administrators - <https://legislature.vermont.gov/statutes/chapter/16/057>

VEHI - <https://vehi.org/>

Current agreement -
https://www.vthealthbargaining.org/_files/ugd/0847c8_9ed6b4a04a294f23863d17314403260f.pdf

Extension agreement - <https://drive.google.com/file/d/1TlbWeRjX-1pA1Vq4CW3XRMBIjbE6hglg/view>

Factfinder's report (Sept. 12, 2021) -
<https://static1.squarespace.com/static/602e836828d59b5f42ca86b1/t/6155f9239e0e5319e825bf42/1633024291665/Vermont+Health+Care+Fact+FInding+Report+2021.pdf>

Arbitration panel's decision (Dec. 1, 2021) -
https://www.vthealthbargaining.org/_files/ugd/b44bfd_15e67b41ec4449cea7f49030418f4105.pdf